

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re: AFA Investment Inc., et al.

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Greater Omaha Packing Co., and	:	
Continental Casualty Company and its	:	
North American insurance affiliates,	:	
	:	
Appellants,	:	
	:	
v.	:	C. A. No. 13-2097-RGA
	:	Bankruptcy Case No. 12-11127 (MFW)
AFA Investment Inc., et al.,	:	BAP No. 13-111
	:	
Appellees.	:	

**RECOMMENDATION**

At Wilmington this **27<sup>th</sup>** day of **January, 2014**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral

for mediation and proceed through the appellate process of this Court. In light of the parties desire to proceed with briefing, objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1 will not be filed.

IT IS FURTHER RECOMMENDED pursuant to the parties' request that the following briefing schedule be approved:

March 1, 2014	Appellants' opening brief due
March 31, 2014	Appellees' response brief due
April 11, 2014	Appellants' reply brief due

Briefing shall comply with D. DEL LR 7.1.3(a)(4), with opening and response briefs limited to twenty (20) pages and the reply brief limited to ten (10) pages.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE